

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN SENATE MAY 22, 2014

**Senate Joint Resolution**

**No. 23**

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**Introduced by Senators Huff and De León  
(Coauthors: Senators Padilla and Steinberg)**

~~(Coauthor: Coauthors: Assembly Member Members Conway, Fong,~~  
Waldron, and Wieckowski)

April 10, 2014

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Senate Joint Resolution No. 23—Relative to Chinese Americans in California.

LEGISLATIVE COUNSEL'S DIGEST

SJR 23, as amended, Huff. Chinese Americans in California.

This measure would acknowledge the history of the Chinese in California, would recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, and would request Congress to adopt resolutions of apology to the Chinese American community for enactment of the Chinese ~~Exclusion Laws~~ *exclusion laws*.

Fiscal committee: no.

- 1 WHEREAS, Chinese Americans have a long and rich history
- 2 in the United States and California; and
- 3 WHEREAS, The many contributions of Chinese Americans,
- 4 both past and present, should be acknowledged and celebrated;
- 5 and
- 6 WHEREAS, Since the late 19th century, Congress enacted
- 7 adverse laws specifically targeting Chinese people on the basis of
- 8 race, most notably the Chinese Exclusion Act of 1882; and

1 WHEREAS, During this period, growth in the Chinese  
2 population, combined with economic ~~regression~~ *regression*, led  
3 to pervasive anti-Chinese sentiments, especially in California and  
4 the American West; and

5 WHEREAS, California's stance against the Chinese community  
6 influenced the promotion and passage of the ~~Federal~~ *federal*  
7 Chinese Exclusion Act; and

8 WHEREAS, California lobbied Congress for years to strictly  
9 prohibit immigration from China, and in 1882, was successful in  
10 convincing Congress to enact the Chinese Exclusion Act, the first  
11 federal law ever passed excluding a group of immigrants solely  
12 on the basis of race or nationality. The Chinese Exclusion Act set  
13 the precedent for racist foreign and national policy that led to  
14 broader exclusion laws and fostered an environment of racism that  
15 quickly led to the Jim Crow laws of the 1880's, and further  
16 segregation legislation that would tear our nation apart through  
17 most of the 20th century; and

18 WHEREAS, The Chinese Exclusion Act and later amendments  
19 to the act not only established barriers exclusively for Chinese  
20 attempting to enter the country, it also placed discriminatory  
21 restrictions on those already living in the United States, such as  
22 requiring Chinese laborers who desired to reenter the country to  
23 obtain "certificates of return"; and

24 WHEREAS, Paradoxically, the very same year that the Chinese  
25 Exclusion Act was passed, financing abroad was completed for  
26 the Statue of Liberty. The Statue of Liberty is a sign of freedom  
27 and democracy and was built and presented to the United States  
28 at the same time that Chinese Americans and Chinese immigrants  
29 were being denied freedom and democracy. The Statue of Liberty  
30 is our nation's great symbol of hope and justice for all who live,  
31 and all who wish to live, in the United States of America. While  
32 the Statue of Liberty was being built, legislators were contradicting  
33 those very ideals by discriminating against Chinese immigrants  
34 and lobbying Congress to do the same; and

35 WHEREAS, Some congressional legislators did warn against  
36 the moral bankruptcy of the Chinese Exclusion Act by appealing  
37 to America's ideals. Senator George Frisbie Hoar debated against  
38 the measure before the United States Senate, stating, "Nothing is  
39 more in conflict with the genius of American institutions than legal  
40 distinctions based upon race or occupation. The framers of our

1 Constitution believed in the safety and wisdom of adherence to  
2 abstract principles. They meant that their laws should make no  
3 distinction between men except as were required by personal  
4 conduct and character;” and character”; and

5 WHEREAS, The Chinese Exclusion Act, which originally  
6 expired in 1892, was extended by Congress for 10 years in the  
7 form of the Geary Act and made permanent in 1902. It remained  
8 in effect until it was repealed in 1943 as a result of the alliance  
9 forged between China and the United States during World War II.  
10 The Chinese were once again allowed to immigrate to the United  
11 States, and shortly thereafter California’s Angel Island ceased to  
12 be used as a detainment center for Chinese immigrants; and

13 WHEREAS, The Chinese Exclusion Act is inconsistent with  
14 the founding principles of the United States, including that all men  
15 are created equal; and

16 WHEREAS, In 2011, by unanimous consent, the United States  
17 Senate passed Senate Resolution 201 (S. Res. 201), expressing  
18 regret for the passage of the Chinese Exclusion Act of 1882 and  
19 other legislation that discriminated against people of Chinese origin  
20 in the United States; and

21 WHEREAS, In 2012, the United States House of Representatives  
22 unanimously passed House Resolution 683 (H. Res. 683),  
23 expressing regret for passage of the Chinese Exclusion Act of 1882  
24 and other legislation that discriminated against people of Chinese  
25 origin in the United States; and

26 WHEREAS, The congressional sponsors of H. Res. 683 and S.  
27 Res. 201 are appreciated and commended for achieving expressions  
28 of regret for State discriminatory legislation targeting the Chinese  
29 based upon race; and

30 WHEREAS, Congress has never afforded a formal apology for  
31 the legalized governmental mistreatment marked by the Chinese  
32 Exclusion Act; and

33 WHEREAS, The United States Congress has demonstrated *that*  
34 an apology, not an expression of regret, is most appropriate for  
35 redressing past transgressions. ~~Other congressional apologies~~  
36 ~~include those for the enactment of discriminatory legislation to~~  
37 ~~the Japanese Americans in 1988, the Native Hawaiians in 1993,~~  
38 ~~African Americans in 2008 and 2009, and to the Native Americans~~  
39 ~~in 2009; and Congress has previously apologized for enacting~~  
40 ~~discriminatory legislation to Japanese Americans in 1988, to~~

1 *Native Hawaiians in 1993, to African Americans in 2008 and 2009,*  
2 *and to Native Americans in 2009; and*  
3 WHEREAS, There are important distinctions between an  
4 expression of regret and an apology; and  
5 WHEREAS, An expression of regret conveys sorrow for  
6 hardship or suffering, while an apology acknowledges culpability  
7 for actions contributing to that hardship or suffering; and  
8 WHEREAS, It is important that the United States Congress  
9 make a formal and sincere apology for the enactment of the  
10 discriminatory laws that adversely affected Chinese Americans,  
11 so that democracy, justice, and equality for all of its citizens can  
12 be achieved, and to strengthen the diversity in the United States  
13 that contributes to the country's economic, cultural, technological,  
14 academic, and political growth; now, therefore, be it  
15 *Resolved, by the Senate and the Assembly of the State of*  
16 *California, jointly,* That the Legislature requests Congress to adopt  
17 resolutions of apology to the Chinese American community for  
18 the enactment of the Chinese ~~Exclusion Laws~~ *exclusion laws*; and  
19 be it further  
20 *Resolved,* That the Secretary of the Senate transmit copies of  
21 this resolution to the President of the United States Senate, the  
22 Speaker of the House of Representatives, to each Senator and  
23 Representative from California in the Congress of the United  
24 States, and to the author for appropriate distribution.

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